

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket : US030082
DAVID G. MILLER	Group Art Unit: 3739
Serial No. 10/764,951	Examiner: MATTHEW J. KASZTEJNA
Filed: JANUARY 26, 2004	CONF. NO. 9296
TITLE: APPARATUS AND METHOD FOR DISSIPATING HEAT PRODUCED BY TEE PROBES	

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CORRECTED APPEAL BRIEF

Sir:

Appellants herewith respectfully present a corrected Summary of Claimed Subject Matter of the Brief on Appeal, responsive to the Notice of Non-Compliant Appeal Brief mailed on April 15, 2009, related to a Brief on Appeal that was submitted on December 30, 2009.

Please delete the originally submitted **Summary of Claimed Subject Matter** and substitute the **Summary of Claimed Subject Matter** included herein.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention, for example as claimed in claim 1, relates to an endoscopic imaging apparatus including an endoscope 210, 601 including a distal end 213 (see, present patent application FIGs. 2-6, page 4, lines 2-3 and page 7 line 3), at least one ultrasound transducer 412 contained within the distal end 213 (see, present patent application FIGs. 2 and 4, page 4, lines 2-3 and page 7 line 4), and an outer protective shell 214 directly covering the distal end 213 and fabricated from an electrically insulating material having a Thermal Conductance greater than 1 W/M-°K overlaying at least a portion of the distal end (see, present patent application FIGs. 2, 3 and 5, page 4 lines 3-7, page 4, Table 1, and page 7, lines 5-6).

The present invention, for example as claimed in claim 9, relates to an apparatus for dissipating thermal energy produced by an endoscopic imaging apparatus 210, 601 (see, present patent application FIGs. 2-6, page 4, lines 3-8), wherein the apparatus is configured and dimensioned to mate with a distal end 213 of the imaging apparatus 210, 601 for dissipating thermal energy produced

at the distal end 213 (see, present patent application FIG. 2, and page 7 lines 22-24), the apparatus 210, 601 fabricated from an electrically insulating material having a Thermal Conductance greater than 1 W/M-°K and comprising an outer protective shell 214 directly covering the distal end 213 (see, present patent application, page 8 lines 1-2).

The present invention, for example as claimed in claim 21, relates to a device for passively dissipating thermal energy produced by at least one transducer 412 located at a distal end 213 of an endoscopic imaging apparatus 210, 601 (see, present patent application FIGs. 2-6, page 4, lines 3-8), wherein the device includes an outer protective shell 214 directly covering the distal end 213 and is configured and dimensioned to encase the at least one transducer 412 (see, present patent application FIGs. 2, 3 and 5, and page 9 lines 4-5), the device having at least the following properties: electrically insulating; a Thermal Conductance greater than 1 W/M-°K; and substantially non-reactivity in the presence of bodily fluids (see, present patent application FIGs. 2, 3 and 5, and page 4 lines 29-32, page 4, Table 1, and page 9, lines 5-9).

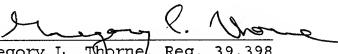
It should be explicitly noted that it is not the Appellant's intention that the currently claimed device and method be limited to operation within the illustrative device and method described above beyond what is required by the claim language. Further description of the illustrative device and method is provided above indicating portions of the claims which cover the illustrative device and method merely for compliance with requirements of this appeal without intending any further interpreted limitations be read into the claims as presented.

**REMARKS**

This Corrected Brief is responsive to the Notice of Non-Compliant Appeal Brief mailed on April 15, 2009. Included herewith is a corrected SUMMARY OF CLAIMED SUBJECT MATTER for replacing the SUMMARY OF CLAIMED SUBJECT MATTER included in the Appeal Brief previously submitted on December 30, 2008. The included SUMMARY OF CLAIMED SUBJECT MATTER refers to the drawings by reference characters as requested.

In view of the above, it is respectfully submitted that the Brief on Appeal as corrected herein is compliant and consideration on the merits is respectfully requested.

Respectfully submitted,

By   
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April 21, 2009

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